

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of GHF GENERAL PARTNER
LIMITED and THE GHF GROUP LIMITED for an
Ex Parte Order to Conduct Discovery for Use in
Foreign Proceedings Pursuant to 28 U.S.C. § 1782

No. 23-MC-335(JGLC)(RWL)

SECOND DECLARATION OF BADR ABDELHAMEED DHIA JAFAR

I, BADR ABDELHAMEED DHIA JAFAR, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I previously submitted a Declaration, dated October 6, 2023 (ECF No. 23) (the “**First Declaration**” or “**Jafar Decl.**”) in support of the Motion to Quash (ECF. No. 21-22). I submit this Declaration in further support of the Motion to Quash.

Delegate Status and U.N. Meetings

2. As I explained in my First Declaration, from September 15 to September 24, 2023, I traveled to New York as a member of the UAE delegation for various U.N. meetings. *See* Jafar Decl. ¶¶ 3, 6. Applicants’ statements to the contrary are simply false. *See* ECF No. 34 (“**Opp.**”) at 1, 11-14.

3. While in New York, I attended numerous meetings as a member of the UAE delegation and in relation to my formal duties as the appointed Special Representative for Business and Philanthropy for the U.N. Climate Change Conference (COP28), a number of which were held at the U.N. Headquarters. *See* Jafar Decl. ¶ 7. The letters annexed hereto as Exhibits 5 and 6 are examples of U.N. meetings I was invited to or attended while in New York.¹

¹ For ease of reference, the exhibits annexed hereto begin with “Exhibit 5,” as the First Declaration attached Exhibits 1 through 4.

4. Annexed hereto as “**Exhibit 5**” is a true and correct copy of a letter dated July 29, 2023 from Sanda Ojiambo, Assistant Secretary-General and Executive Director of the United Nations Global Compact, inviting me to attend the High-Level Ocean Meeting on the occasion of the 78th session of the United Nations General Assembly in New York City at U.N. Headquarters on September 18, 2023. I attended this meeting.

5. Annexed hereto as “**Exhibit 6**” is a true and correct copy of a letter dated September 8, 2023 from Selwin Hart, Special Advisor to the Secretary-General and Assistant Secretary-General of the Climate Action Team, inviting me to attend the “Credibility Matters: Net zero transition plans and regulatory support” thematic session on September 20, 2023 at U.N. Headquarters.

6. Additionally, as I stated in my First Declaration, on September 18, 2023 I co-hosted a number of meetings related to preparations for COP28 UAE (this year’s annual U.N. Climate Conference), including one at the UAE Permanent Mission to the U.N. whose attendees included, among others, the President of Kenya William Ruto, Bill Gates, His Excellency Michael Bloomberg, and BlackRock CEO Larry Fink. Jafar Decl. ¶ 10. The Motion to Quash also attached photographic evidence of this meeting, in the form of a social media posting from an official COP28 UAE account and a press release issued by the Office of the President of Kenya. *See* Devereux Decl. ¶ 3, Exs. 3-4. Former Mayor of New York City Michael Bloomberg is the U.N.’s Special Envoy for Climate Change. Annexed hereto as “**Exhibit 7**” is a true and correct copy of an announcement, from the Bloomberg company website, dated September 19, 2023, titled “UN Special Envoy Michael R. Bloomberg Launches Third Annual Bloomberg-Wide Countdown to COP28” and noting Mayor Bloomberg’s role as U.N. Special Envoy for Climate Change.²

² Available at <https://www.bloomberg.com/company/press/un-special-envoy-michael-r-bloomberg-launches-third-annual-bloomberg-wide-countdown-to-cop28/>.

Additionally, as indicated on the official COP28 website, BlackRock CEO Larry Fink is a member of the COP28 Advisory Committee,³ and Bill Gates is co-Chair of the Bill and Melinda Gates Foundation, which is a delivery partner of the COP28 Business and Philanthropy Forum. I also attended a number of meetings associated with Climate Week NYC, which, as stated on its official website, “takes place every year in partnership with the United Nations General Assembly and is run in coordination with the United Nations and the City of New York.”⁴

7. Applicants’ suggestion that my U.N. grounds pass for the General Assembly may have been a “spouse” pass is simply incorrect. *See Opp.* at 13.

8. As I stated in my First Declaration, as a member of the UAE delegation, I was issued a number of official badges, including a blue U.N. grounds pass that enabled me to attend official meetings at U.N. Headquarters. Jafar Decl. ¶ 7, Ex. 2. There should be no doubt that I was in New York in my formal capacity to attend those meetings, and not in my capacity as a “spouse.”

9. My wife, who is a full-time UAE government employee and the Managing Director of a UAE government agency, was also visiting New York as a member of the UAE delegation. *See Jafar Decl.* ¶¶ 3-4.

10. As I explained in my First Declaration, we brought our children, a one-year-old and a six-year-old, who had to miss a week of school, on this trip only because there were no family members who were available to care of them in our absence. Jafar Decl. ¶ 3. If I had not been required to attend these meetings as part of my formal duties, I would have unquestionably stayed home in the UAE with my children. It is frankly offensive to suggest, as I understand Applicants do, that my wife required a male escort to travel. *See Opp.* at 6.

³ See <https://www.cop28.com/advisory-committee>.

⁴ <https://www.climateweeknyc.org/about-us>.

COP28

11. It is my understanding that in their *ex parte* Application, Applicants suggested incorrectly that I was traveling to New York merely to accompany my wife. *See* Application at 10-11. Unlike my wife, I am not a government employee. I work in the private sector. Therefore, in my First Declaration, I explained my formal roles with the U.N. Climate Conference (COP28) and mentioned my engagement with various U.N. bodies over the years. Jafar Decl. ¶¶ 5, 8. I discussed my formal roles with COP28 UAE to help explain why I was selected as a member of the UAE’s delegation.

12. Applicants’ suggestions that COP28 is not a U.N. conference are self-evidently false. *See* Opp. at 15. COP28 is the twenty-eighth annual U.N. Climate Conference, and “COP” is short for the Conference of the Parties to the United Nations Framework Convention on Climate Change (“UNFCCC”). The UNFCCC is an international environmental treaty ratified by 198 parties. As stated on the official UNFCCC website, “[t]he UNFCCC secretariat (UN Climate Change) is the United Nations entity tasked with supporting the global response to the threat of climate change.”⁵ As the official UNFCCC website notes, the annual U.N. Climate Change, or “COP,” “conferences are now the largest annual meetings *convened by the United Nations*.”⁶

13. Applicants’ suggestions that I have not been “officially” appointed to any role with COP28, that my wife is personally part of or holds the “Presidency,” and that perhaps my wife appointed me to my COP28 roles are all unfounded and plainly incorrect. *See* Opp. at 15-16.

14. Applicants also suggest that my role is limited to the conference in Dubai. *See* Opp. at 10. This is again false. The COP “Presidency” is, by definition, a yearlong process.⁷

⁵ <https://unfccc.int/about-us/about-the-secretariat>; *see also* <https://unfccc.int/cop28>.

⁶ <https://unfccc.int/process-and-meetings/conferences/the-big-picture/what-are-united-nations-climate-change-conferences/how-cops-are-organized-questions-and-answers> (emphasis added).

⁷ *See id.*, “Host country and presidency” tab.

15. The COP Presidency rotates to a different host country each year, rotating among the five recognized U.N. regions. For COP28, the UAE holds the Presidency.

16. As explained on the official UNFCCC website, the “COP President” for each COP is a representative of the country holding the Presidency that year. For COP28, the President-Designate is His Excellency Dr. Sultan Al Jaber, who is a high-ranking UAE government official who also serves as the UAE’s Special Envoy for Climate Change and as the UAE’s Minister of Industry and Technology.

17. My responsibilities began with my appointment to the COP28 Advisory Committee by the COP28 Presidency in February of this year.⁸ I was also formally appointed as Special Representative for Business and Philanthropy for COP28 by Dr. Al Jaber. As Special Representative for Business and Philanthropy for COP28, my role has been to work closely with the COP28 leadership team, including Dr. Al Jaber, in developing programming for COP28 related to climate philanthropy and the engagement of business in climate-related transparency and accountability, and to take a leading role in engaging leaders from the business and philanthropy sectors as part of COP28.

18. I have also been formally appointed as the Chair of the Business and Philanthropy Forum for COP28. Annexed hereto as “**Exhibit 8**” is a true and correct copy of a COP28 press release, dated September 7, 2023, titled “COP28 UAE Announces Largest Global Convening of Business & Philanthropy Leaders Around Climate and Nature.” As indicated in that press release, the COP28 Business and Philanthropy Forum is an official COP28 event and is hosted by the COP28 Presidency. The Forum is listed on the main agenda for COP28.⁹ That press release also notes my formal roles with COP28 UAE as a member of the Advisory Committee, Special

⁸ <https://www.cop28.com/advisory-committee>.

⁹ <https://www.cop28.com/en/world-climate/business-and-philanthropy-climate-forum>.

Representative for Business and Philanthropy, and Chair of the COP28 Business & Philanthropy Climate Forum.

19. Annexed hereto as “**Exhibit 9**” is a PR Newswire press release, dated October 19, 2023, titled “COP28 Business & Philanthropy Climate Forum unveils key partners, uniting to drive global climate action.” As indicated in that press release, the COP28 Business and Philanthropy Forum is “hosted by the COP28 Presidency” and that the Forum “is a key part of our Presidency’s agenda.”

Interactions with Process Servers

20. It is my understanding that Applicants claim that none of their process servers were in the vicinity of the Fasano Hotel or attempted to serve me after 11:30 a.m. on September 20, 2023. I have a clear recollection of being approached by an unknown man on the afternoon of September 20, 2023. As I had already been harassed twice, I avoided interaction with him. I cannot say who he was and I did not stop to find out.

21. It is my understanding that one of Applicants’ process servers disputes my account in the First Declaration of an encounter on September 21, 2023. As indicated in my First Declaration, I was carrying my one-year-old daughter in my arms and had just left the hotel when the same unknown man approached me in an intimidating fashion and with a camera in my face. I was made to feel highly uncomfortable and protective of my one-year-old, and I had already been warned by a driver that people were stalking me. Under the circumstances and given the high-security environment, I immediately turned around and reentered the hotel. I certainly do not recollect anyone throwing anything at my feet.

22. As indicated in my First Declaration, the series of encounters that my wife and I had with people we later learned were process servers was shocking. Given the surroundings, along with a great deal of media controversy surrounding COP28, we, along with others who witnessed

the attempts, genuinely believed these people might be a real security threat or hostile protestors. I do not live, work, or do business in New York. The idea that someone was trying to serve me with legal papers of any kind did not occur to me. I am not a party to the Cayman litigation, which is pending in the Cayman Islands, not New York, and I never expected to be served with legal papers regarding that litigation, and certainly not in New York. I was shocked to subsequently learn that these men were process servers, especially considering the outrageous methods attempted involving harassment, intimidation and stalking, which did not suggest a formal legal proceeding.

23. I was also shocked to subsequently learn that these people stalking us had uncovered our confidential travel arrangements including where we were staying in New York. Our travel arrangements were not public; we always keep this information strictly confidential. I understand that one of the process servers claims that Applicants were able to find us because my wife was publicly identified as a speaker at certain events. Second Black Decl. ¶ 3. I do not find it credible that they could have traced my wife in this fashion, especially in this security environment. Without additional, detailed information on how they uncovered our confidential travel arrangements, I have difficulty believing their explanation.

New York

24. Applicants claim that I regularly transact business in person in New York is once again false. *See Opp.* at 20-21.

25. I do not transact business in person in New York. As I indicated in my First Declaration, I do not transact *any* business in person in New York, nor have I done so in the past.

26. Over the past years, I have visited New York an average of once per year. None of those trips have been for business purposes. My trips to New York have been solely for either 1) medical purposes; 2) holiday with my family; or 3) to attend U.N. conferences, as I did last

month.

27. Applicants' suggestion that I have regularly transacted business in New York through my advisory roles or other involvement in various philanthropic or nonprofit organizations, including the International Peace Institute, the Guggenheim Museum, and the International Rescue Committee, and by establishing an initiative at the Abu Dhabi campus of New York University, are completely unfounded. *See Opp.* at 21. In addition to the fact that I have not transacted any business with those entities, I have never traveled to New York for, or participated in any meetings in-person in New York, for any of the organizations listed by Applicants. Nor have I ever even visited the premises of any of those organizations in New York. Any meetings that I have participated in with connection to those organizations have always been held online.

London

28. Applicants' statements that I reside in London and regularly transact business in London are likewise false. *See Opp.* at 21-22.

29. I am not a resident of London or anywhere else in the United Kingdom ("U.K."), nor have I been in any recent years. As stated in my First Declaration, I live and work in the UAE.

30. I travel to the U.K. multiple times per year for holiday and recreational purposes, and sometimes in connection with philanthropy or academia. These trips are generally very brief except for longer trips with family during the summer holidays. I spend fewer than 90 days per year on average in the U.K.

31. I do not regularly transact business in person in London or anywhere else in the U.K.

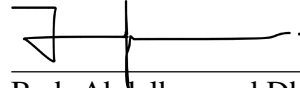
32. Crescent Group's (the parent entity of Crescent Enterprises) London office is a liaison office and has only one full-time employee, a receptionist. Crescent Enterprises otherwise has no operations, and has no investments, in the U.K.

Burden

33. As noted above, I have many formal responsibilities in connection with preparing for the U.N. Climate Conference (COP28), which will be held from November 30 to December 12 in Dubai. As the UNFCCC website states, COP is the largest annual meeting convened by the U.N. COP28 is a massive undertaking and the gathering will include over 100 heads of state and tens of thousands of delegates. At this stage, my responsibilities for COP28 take priority over everything else in my business life and, with just over a month to go, are extremely time-intensive and essentially all-consuming in nature. It would not be possible for me to neglect my formal responsibilities for COP28 UAE, which require me to be present in the UAE until at least mid-December.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 20th day of October, 2023.



Badr Abdelhameed Dhia Jafar